



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:37 PM, Tuesday, January 06, 2015

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member Vernon K. Van Buren	Council Member David Sewell
Council Member Gary Winterton	Council Member Kim Santiago
Council Member Harold L. Miller, Jr.	Council Member Stephen Hales
Council Member Gary Garrett	Chief Executive Officer Wayne Parker
Deputy City Attorney Brian Jones	Council Executive Director Matthew Taylor

Conducting: Outgoing Chair Miller and Incoming Chair Garrett

Invocation and Pledge – Karen Tapahe, Municipal Council Staff

Approval of Minutes – December 2, 2014 Council Meeting Minutes

Motion: Council Member Gary Winterton moved to approve the minutes of December 2, 2014. The motion was seconded by Council Member Stephen Hales.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Hales, Miller, Sewell, Van Buren, and Winterton in favor. Council Member Santiago abstained.

1. Resolution 2015-01 acknowledging the election of the Chair and Vice-Chair of the Provo Municipal Council for calendar year 2015. (15-001)

Chair Miller invited nominations for the office of Council Chair for calendar year 2015. Mr. Winterton nominated Gary Garrett with Mr. Hales seconding the nomination. The motion passed 7:0.

Chair Miller invited nominations for Council Vice-Chair. Mr. Garrett nominated Kim Santiago. There were no other nominations. The motion passed 7:0.

Chair Garrett read the proposed resolution and invited a motion to approve.

Motion: Council Member Vernon K. Van Buren moved to approve Resolution 2015-01 as read. The motion was seconded by Council Member Harold L. Miller, Jr.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Adjourn Council Meeting

Motion: Council Member Gary Winterton moved to adjourn as the Municipal Council and convene as the Redevelopment Agency. The motion was seconded by Council Member Kim Santiago.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Redevelopment Agency of Provo

2. RDA Resolution 2014-01-06-1 appointing the Chair and Vice-Chair of the Redevelopment Agency of Provo City for calendar year 2015. (15-002)

Chair Hales invited nominations for Chair of the Redevelopment Agency Board for calendar year 2015.

Mr. Sewell nominated Stephen Hales to serve again as the Chair; the nomination was seconded by Board Member Miller. There were no other nominations. The motion passed 7:0.

Chair Hales invited nominations for Vice-Chair of the Redevelopment Agency Board for calendar year 2015. Mr. Winterton nominated Dave Sewell with a second by Mr. Garrett. There were no other nominations. The motion passed 7:0.

Chair Hales read the proposed resolution and invited a motion to approve.

Motion: Board Member Kim Santiago moved to approve RDA Resolution 2014-01-06-1 as read. The motion was seconded by Council Member Gary Winterton.

Roll Call Vote: The motion passed 7:0 with Board Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Adjourn RDA

Motion: Board Member Harold L. Miller, Jr. moved to adjourn as the Redevelopment Agency and reconvene as the Municipal Council. The motion was seconded by Board Member Dave Sewell.

Roll Call Vote: The motion passed 7:0 with Board Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Municipal Council

Presentations, Proclamations and Awards

3. A presentation to the Chair and Vice-Chairs of the Municipal Council for their service concluding January 6, 2015.

Matthew Taylor, Council Executive Director noted that the title “Chair” denoted someone that had authority, was a watcher, or presides. A Chair should be above reproach, temperate, self-controlled, respectable, hospitable, and able to teach. Mr. Taylor stated that Mr. Miller was the epitome of all those qualities. He thanked Mr. Miller and his family for his extra service on the Council during 2014.

Mr. Taylor presented a thank-you gift to Mr. Miller, Ms. Santiago, and Mr. Garrett for their service as Council Chair and Vice-Chairs during 2014.

Chair Garrett thanked former Chair Miller for his leadership, wisdom, and diplomacy during the past year.

Vice-Chair Santiago thanked Mr. Miller for the time and effort he put into his position over the past year. She stated that Mr. Miller was eloquent and it was a joy listening to him speak.

Public Comment

There was no response to the request for public comment.

Mayor's Items and Reports

4. Resolution 2015-02 amending the Water Conservation Plan portion of the Water System Master Plan as part of the Provo City General Plan. (15-006)

Bart Simons, Water Division Director, presented. State regulations require that the Water Conservation Plan be updated every five years and approved by the Council. Mr. Simons reported the Water Conservation Plan had been adopted by a previous council five years ago so it was time for another update. He noted that city residents had done a good job of conserving water voluntarily without the City having to impose restrictions.

While the plan itself did not require a lot of changes a specific need was proposed which would appoint someone to help guide the plan. The City created a Water Conservation Coordinator and appointed Laramie Gonzalez to fill the position.

Mr. Gonzalez explained that the Water Conservation Plan was to be updated and submitted to the state every five years. The update included population statistics, current water use, water production, and current conservation methods as well as future plans. The conservation plan also included the methods the City intended to use to meet the state’s requirement to reduce the per capita water use by 25 percent by the year 2025. He indicated the City was well on their way to meeting that goal. The city would continue to provide the following conservation efforts:

- Community Education
- AMI infrastructure for automated meter reading,
- Efforts to bring down per capita water consumption;
- Water availability efforts.

Mr. Winterton said he was most impressed with the conservation efforts by citizens on a voluntary basis, as was mentioned earlier in work session. He was grateful to the citizens of Provo for helping the City save water during the past few years and working towards the 25 percent reduction. Mr. Gonzalez agreed that sometimes when people were mandated to do something they do not do as well as when they volunteer to do something.

In response to a question from Ms. Santiago, Mr. Simons stated the boundaries on the General Plan Boundary map did not match the current City Boundary map shown on Page 3 of the document. He said the City boundaries extended up into the mountains where some of our water sources were location. There were no homes in that area so it would not show the distribution and culinary water lines shown on the General Plan map.

Mr. Simons said that, even as strong as our water sources were, when Provo City reached build out in 2060 we would not be able to supply the water demand without conservation.

Ms. Santiago asked Mr. Simons to comment on the use of secondary water in the system. Mr. Simons said the current infrastructure did not have dual systems where we could supply culinary water in one and secondary water in the second. The cost to build that type of system would be in the hundreds of millions of dollars. Those businesses and homes that had access to secondary water, through irrigation or water rights, were encouraged to use the secondary water for outside use. Brigham Young University was using secondary water through irrigation rights from the Upper East Union Canal to water a large percentage of their grounds. This took the demand off the City's culinary water system.

Motion: Council Member Kim Santiago moved to approve **Resolution 2015-02**. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

5. **Resolution 2015-03 consenting to the appointment of individuals to various boards and commissions. (15-005)**

Wayne Parker, Provo City Chief Administrative Officer, presented. Mayor Curtis has recommended that Deborah Jensen be appointed to a five-year term on the Board of Adjustment Commission. Ms. Jensen had a Master's Degree in architecture and city planning with more than 17 years' experience. She had also served on the Downtown Atlanta Design Review Committee for four years.

Motion: Council Member Gary Winterton moved to approve **Resolution 2015-03**. The motion was seconded by Council Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Policy Items Referred from the Planning Commission

6. An ordinance amending Provo City Code Section 14.18.020 (Permitted Uses) in the Neighborhood Shopping Center Zone to remove the minimum acreage requirement for funeral homes. City-wide impact. (14-0011OA)

Dustin Wright, Provo City Planner, presented. A little more than one-year ago the applicant submitted an application to build a funeral home in the SC1 zone. An acreage requirement of 1.75 acres was included in the approved ordinance. The applicant purchased Provo City property at 4800 North to build the funeral home. The applicant has asked to place another business on the property along with the funeral home. In order to do this, the minimum acreage requirement of 1.75 acres for the funeral home would need to be removed. The second business would create additional traffic flow to the site.

City staff reviewed the amendment and had two concerns. First, they looked at the site and determined there was only one reasonable access to the property (off of Foothill Drive). If traffic flow to the site exceeded 250 trips per day it would require an additional access, which was not feasible. Second, if this ordinance was approved it would have city-wide impact on all SC1 zones. Mr. Wright displayed maps which showed the SC1 zones throughout the City and the neighborhoods that might be affected by this amendment.

Mr. Wright reported that the Planning Commission reviewed the request and recommended denial.

The applicant, Lance Nelson, and the Neighborhood Chair, Ben Markham, were not in attendance at the meeting to comment on the request.

Chair Garrett invited public comment. Cindy Richards, Provo, asked for clarification on where the property was located. Mr. Winterton replied that the property in question was on 4800 North University Avenue. The other areas shown on the maps were SC1 zones that could be affected by this ordinance.

Dave Knecht, Provo, pointed out that one of the areas shown on the map was in southeast Provo in the Novatek territory.

In response to a question by Mr. Winterton, Mr. Wright stated there had not been a minimum for funeral homes in other zones. A funeral home had not been a permitted use in the SC1 zone until the applicant requested it a little more than one year ago. At that time the minimum acreage of 1.75 for a funeral home was added to the SC1 zone.

Mr. Van Buren noted that the original recommendation had two parts, access and size. It would be hard to go back and change that decision since it also had an effect on a number of other parcels.

Mr. Taylor said Council staff reviewed the request. Daily use for a funeral home, unlike other retail use, was very unpredictable. They could have services/viewings mornings, afternoons, and evenings all week long. If there was not sufficient parking it could create an overflow situation that may cause an impact on the adjacent areas. It did not make sense to have a shared use because the property was not very large.

Ms. Santiago noted that the flower shop was not included in the initial discussion. The applicant was aware at that time the change was specifically for a funeral home only.

Motion: Council Member Kim Santiago moved to deny the request. The motion as seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

6. Ordinance 2015-01 amending the Zone Map Classification from the A1.1 (Agriculture) zone to the R1.8 and R1.10 (One Family Residential) zones for Lot 3 of the Barrett Subdivision generally located at 2312 West Center Street. Fort Utah Neighborhood. (14-0006R)

Austin Corry, Provo City Planner, presented. The subject property was a flag lot located in an agricultural zone. The applicant wanted to take the pole portion of the property and divide it between the lots on either side of the pole. The back portion would be developed into a cul-de-sac subdivision. This would have created a nonconforming lot because the subdivision would not have street frontage. The applicant proposed providing access to the property by building a road through the Fisher Farms development being built just east of the property in question and connecting with the subdivision road. This would provide the street frontage necessary to build the subdivision.

The applicant and the Neighborhood Chair were not present to comment.

Chair Garrett invited public comment. There was no response to the request.

Motion: Council Member Harold L. Miller, Jr. moved to approve **Ordinance 2015-01**. The motion was seconded by Council Member Gary Winterton.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Council Items and Reports

7. Ordinance 2015-02 amending Chapter 1.05 (City Flag) of the Provo City Code to create a new design for the Provo City Flag. (13-127)

Council Member Stephen Hales presented. He was tasked with the project of creating a new flag for Provo City, along with Sherrie Hall Everett, and BYU Vexillologist student Jason Bates. Mr. Hales gave a presentation which explained the purpose, use, and preferred design of a city flag.

He noted that the flag stands as a symbol of the City and should be instantly identifiable with Provo, attractive, and easy to understand. The North American Vexillological Association recommended keeping the flag simple, using meaningful symbolism, having two to three basic colors, and no lettering or seals.

He presented the new flag proposal to the Council for their review and approval. The proposed flag encapsulated what we see around us - the lake, mountains, and sunshine. The colors made it distinctive to our area. He emphasized that this was part of the new branding effort and most of Provo's residents were familiar with the logo. The picture on the flag would be visible from both sides.

Motion: Council Member Stephen Hales moved to approve **Ordinance 2015-02**. The motion was seconded by Council Member Kim Santiago.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

8. Ordinance 2015-03 amending Section 1.01.010 (Title - Effect on Prior Legislation) and Section 1.01.020 (Citation) of the Provo City Code, and revising, codifying, and compiling the general ordinances of Provo City. (15-004)

Matthew Taylor, Council Executive Director, presented. State statute required that cities compile and publish a city code on an annual basis. This ordinance allowed publication of the updated ordinance book with all ordinances adopted on or before January 3, 2014. One to two dozen hard copies of the 2015 version of the code book would be printed for city use with an electronic version available on line.

Ms. Santiago asked if it was typical to have Council staff make changes to the formatting, grammatical, and numbering errors as stated in Part III of the proposed ordinance. Mr. Taylor said the staff would make minor changes, such as spelling, or formatting, but that substantive changes would be presented to Council for approval.

Motion: Council Member Vernon K. Van Buren moved to approve **Ordinance 2015-03**. The motion was seconded by Council Member Stephen Hales.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Adjourn

Motion: Council Member Kim Santiago moved to adjourn at 6:49 p.m. The motion was seconded by Council Member Gary Winterton.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.